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AUG 23 2005

**Director's Office
Office of Patent Publication**

In re Application of :
Noriyoshi Nishiyama, et al. :
Application No. 09/998,534 : **DECISION ON RECONSIDERATION**
Filed: November 28, 2001 :
Attorney Docket No. MAT-7941US1 :
This is a decision on the Request For Reconsideration Of Decision On Petition, received in the United States Patent and Trademark Office (USPTO) on December 20, 2004.

The request is **DENIED**.

The application was held abandoned for failure to timely file corrected drawings as required in the Notice of Allowability mailed August 11, 2003.

The applicant's Petition Under 37 CFR 1.181(A) was dismissed due to the applicant's failure to respond the Notice of Allowability, which required submission of corrected drawings.

Petitioner states that "As set forth in the Reasons For Allowance mailed on August 11, 2003, "The corrected or substitute drawings were received on 20 May 2003. These drawings are approved." Thus, the record was clear that corrected drawings were not required." Further, that "the Examiner understood that corrected drawings were not required (...enclosed Interview Summary).

As indicated in the Decision On Petition mailed November 9, 2004, the applicant should have responded to the Notice of Allowability by a timely reply in writing (see 37 CFR § 1.2) to traverse such a requirement or contacted the examiner, requesting that he or she, in an Examiner Interview Summary Form or a Supplemental Notice of Allowability, which must be mailed prior to the expiration of the period for reply, upon reconsideration, withdraw any outstanding requirement. The decision by the undersigned to dismiss the petition was correct.

However, since the Examiner has now in the Interview Summary mailed November 22, 2004, acknowledged a Technology Center error in that the Notice of Allowance mailed 11 August 2003 was incorrectly marked, the petitioner should request that the Examiner withdrawn the abandonment or file the Petition For Revival Under 37 CFR 1.137.

Telephone inquires relating to the filing of the Petition under 37 CFR 1.137 should be directed to the Office of Petitions at 703-305-9282 or further correspondence with respect to the petition under 1.137 should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Telephone inquires relating to this decision may be directed to the undersigned at 703-308-9250 Ext. 137.



Thomas E. Hawkins
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